



'RIGHTS TALK' AND THE NATURAL LAW

SHOULD RIGHTS BE BASED ON HOW INDIVIDUALS FEEL? HOW ABOUT THE FEELINGS OF A BIGGER GROUP?

WHAT SHOULD HUMAN RIGHTS BE GROUNDED IN?



RIGHTS: ARE THERE ANY?

- WE HAVE SEEN HOW THERE ARE MANY DEBATES IN OUR WORLD TODAY OVER WHETHER A IS A RIGHT OR IN FACT NOT A RIGHT; OR WHETHER THE OPPOSITE OF A IS A RIGHT
- DAVID HUME (D. 1776) CAN HELP BOTH SIDES REFLECT A BIT: HE WOULD ASK IF THERE IS ANYTHING SUCH AS A 'RIGHT' AT ALL!!
- HUME SAID, THAT YOU CANNOT GET AN 'OUGHT' FROM AN 'IS' – AND THAT IS A CHALLENGE TO ANY MORALITY, TO ANY IDEA OF OBJECTIVE MORALITY OR RIGHTS AT ALL
- JUST BECAUSE IT IS A FACT THAT SOME HUMANS DO THIS OR THAT, DOES NOT MEAN ONE CAN THEN SHOW THAT THEY *OUGHT* TO DO THIS OR THAT – SO SAYS HUME
- IN FACT, THIS SCEPTICAL PLACE IS A GOOD ONE FOR BUILDING UP AN OBJECTIVE ACCOUNT OF ETHICS, OF MORALITY AND THUS OF GENUINE RIGHTS. BUT HOW?



RIGHTS: WHAT ARE THEY FOUNDED ON?

- IN ORDER TO SEE HOW WE CAN BUILD AN OBJECTIVE ETHICS – AND ACCOUNT OF RIGHTS - WHICH RESPONDS TO HUME'S QUESTION LET US REVISIT THE COGNITIONAL STRUCTURE OF UNIT 1 TO ADD ANOTHER LEVEL

Knowing and Willing

4. Decision	Be responsible
3. Judgement	Be reasonable
2. Understanding	Be intelligent
1. Experience	Be attentive



RIGHTS: THE OBJECTIVITY OF THE GOOD

- There emerges a moral imperative, which is analogous to the imperative we experience as knowers which requires us to make a judgement once all the evidence is in place. On the basis of this imperative, there can be developed an ethics, a science of the ‘what ought to be’ and the ‘what ought not to be’ – an account of rights and correlative responsibilities.
- I am aware that a) I ought to get to know the truth and b) I ought to act accordingly
- So *if, and only if*, Hume is right that I can’t get an ‘ought’ from an ‘is’, then *I ought* to agree and *I ought to speak* and act according to that truth
- It is the case that I have these ‘oughts’ built into my consciousness – and Hume is himself in fact calling on them as he makes his argument



GENUINE RIGHTS: BASED ON NATURAL LAW

- What we are speaking of here is the same point that St Thomas Aquinas makes when he says that ‘truth is the good of intellect’ – we are consciously aware that we ought to get at the truth
- These things are implicit in our consciousness, even when we disagree with them – we use them in disagreeing! So we can unpack these implicit imperatives, make them explicit in order to argue for an ethics, an account of rights based on our very nature
- Let’s take the example of a kind of vague idea of basic ethics often found today: people sometimes say ‘well, you can do whatever you like as long as it does not interfere with other people’
- When you begin to unpack this phrase you have to arrive back at something much fuller – in fact, ultimately, back at a kind of natural law view of human right and wrong, along the lines of Aristotle and St Thomas
- How and why is that?



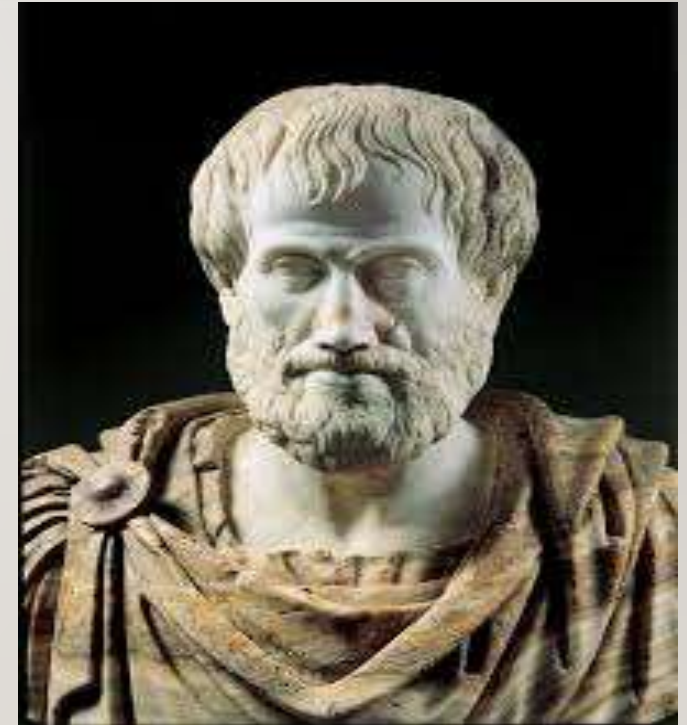
NATURAL LAW GROUNDS THE COMMON GOOD

- Human beings are intrinsically social; they emerge from the activities of others and only grow, develop physically and in some basically healthy psychological manner from interactions with others
- So what do we even mean by the ‘interference’ of others with me?
- It is a ‘negative’ word indicating some kinds of interaction with others which I deem, or may be argued truly is, both unjustified, unfair and perhaps unpleasant
- But then we have to go on to examine what is and what is not unjustified interaction, unfair interaction with my desires – some such may perhaps be unpleasant but yet justified
- Ultimately we have to come back to some kind of ‘natural law’ view of human nature: what is fair and unfair to do with regard to others with this nature in order to settle what is justified or unjustified interaction –thus ‘interference’



NATURAL LAW

- Aristotle and then St Thomas Aquinas following but adapting and adding to him give us an account of basic 'do's' and 'don'ts' drawn up from an account of human nature
- In arguing for a basic natural law stance we have also begun from cognitional structure
- In our consciousness there is a basic norm, a drive to 'get to know the truth'
- And to get to know the truth we are aware that we ought to be attentive to the data; as intelligent as we can be in understanding it; and then reasonable in judging what is true of reality
- But on a fourth level, as it were, we are aware we ought to be responsible in following what truth we have found, and acting consistently with it
- But if I am to come to know and do the good as a human being I also depend on other basic goods – life, health, the support and love of others and so on.....



TAKE-AWAY POINTS

- By 'rights' we mean something quite different from 'likes/dislikes', 'whims', even 'desires'
- Rights and responsibilities are two sides of the same coin